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October 16, 2020

By NYSCEF

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square, Room 2102
New York, New York 10007

Re: N.K. v. New York City Department of Education
20 CV 4745 (AJN)

Dear Judge Nathan:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel assigned to represent Defendant New York City Department of Education (the "DOE") in the above-referenced matter. Pursuant to the Court's Order, dated September 24, 2020 (Dkt. No. 10), I write on behalf of all parties to: (1) submit the proposed *Civil Case Management Plan*; and (2) respectfully request that the Court adjourn the October 23, 2020 initial conference to December 29, 2020, or a date thereafter that is convenient for the Court.

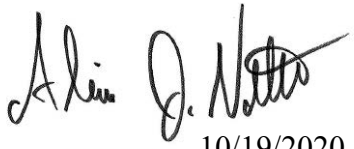
Plaintiffs commenced this action on June 19, 2020, seeking attorneys' fees, costs and expenses for legal work on an administrative hearing pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* (Dkt. No. 1). The sole issue to be determined in this matter is whether Plaintiffs' attorneys' fees are reasonable.

The parties are optimistic that this matter may be resolved through a negotiated settlement and, as such, a pretrial conference at this juncture may be unproductive. Plaintiffs' counselors have advised that they will provide to my office billing records, which are essential to advancing and adjudicating the claims, no later than October 30, 2020. Following receipt of such records, my office would then require time to obtain settlement authority from the New York City Comptroller's Office.

The parties agree that if settlement is unsuccessful, there will be limited discovery, if any, in this matter. Rather, the matter should then proceed to motion practice.

Accordingly, we respectfully submit the *Civil Case Management Plan* and respectfully request that the Court adjourn the initial conference to December 29, 2020, sixty days after the date that Plaintiffs' counsel submit billing records. Thank you for your consideration of this request.

The initial pretrial conference scheduled for October 23, 2020, is adjourned to January 8, 2021, at 3:15 p.m. No later than seven days before the scheduled conference, the parties should submit a joint letter and proposed case management plan that includes deadlines for all aspects of discovery listed in items 8(a)-(d) and 9 of the fillable case management plan. The parties should inform the Court if they want a referral to a magistrate judge for settlement before that date. SO ORDERED.



SO ORDERED. 10/19/2020
ALISON J. NATHAN, U.S.D.J.

Respectfully yours,

/s/ SNG
SHERRY N. GLOVER
Assistant Corporation Counsel

Cc: Irina Roller, Esq. (by ECF)
Mary Jo Whateley, Esq. (by ECF)